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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/691,341	10/21/2003	Michael J. Renn	ODC-2003-2-NPA	6655
5179	7590	04/18/2005	EXAMINER	
PEACOCK MYERS AND ADAMS P C			HEALY, BRIAN	
P O BOX 26927			ART UNIT	
ALBUQUERQUE, NM 871256927			PAPER NUMBER	
			2883	

DATE MAILED: 04/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

**Office Action Summary**

Application No.

10/691,341

Applicant(s)

RENN, MICHAEL J.

Examiner

Brian M. Healy

Art Unit

2883

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
 Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 24 January 2005.  
 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-58 is/are pending in the application.  
 4a) Of the above claim(s) 2 and 35 is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1, 4, 5, 8, 21, 24-27, 31-34, 41-43, 46-48 and 52 is/are rejected.  
 7) ☒ Claim(s) 3, 6, 7, 9-20, 22, 23, 28-30, 36-40, 44, 45, 49-51 and 53-58 is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☒ The drawing(s) filed on 21 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) ☐ All b) ☐ Some \* c) ☐ None of:  
 1. ☐ Certified copies of the priority documents have been received.  
 2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)  
 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date 04142005.

- 4) ☐ Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) ☐ Notice of Informal Patent Application (PTO-152)  
 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Allowable Subject Matter***

Claims 3,6,7,9-20,22,23 , 28-30,36-40,44,45,49-51 ,53 and,54-58 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. None of the references of record teaches or suggests the teachings of the dependent claims including using air as the co-flowing fluid (oxy-nitrogen), applying a laser beam to the particles for propulsion or modification, propelling the particles at a velocity higher than that achieved by optical propulsion, using a liquid/a /precursor droplets as the propelling fluid or immersion fluid; processing the precursor; or using particles of biological materials. See the aforementioned dependent claims for specific details.

The indicated allowability of claim 2,21,24-26, and 35, are withdrawn in view of the newly discovered reference(s) to Wright et. al., U.S.P. No. 5,844,192. Rejections based on the newly cited reference(s) follow below. The Examiner regrets any inconvenience caused to Applicant by the action.

Claims 2 and 35 has been cancelled by Applicant.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1,4 ,5 ,8,21, 24-27, 31-34,41-43,46-48, and 52 are rejected under 35 U.S.C. 102(e) as being anticipated by Wright et. al., U.S.P. No. 5,844,192.

Wright et. al. teaches (Figs.1-2) a method and apparatus for depositing material on a substrate 20 comprising the steps of: entraining particles 14 within a stream of a hollow co-flowing gas 34, (Note gas can include inert gas or argon) propelling the particles towards the substrate using the fluid and depositing the particles on a substrate (substrate appears to be either glass or semiconductor, also substrate appears to be heated when the particles engage the surface) wherein there is a means 44,45 for limiting the lateral spread of the particles, which clearly, fully meets Applicant's claimed limitations.

A copy of PTO-1449 will be included in this office action.

***Response to Arguments***

Applicant's arguments with respect to claims 1,2,4 ,5 ,8, 24-27, 31-34,35,41-43,46-48, and 52 have been considered but are moot in view of the new ground(s) of rejection.

Because the new grounds for rejection was not necessitated by Applicant's amendment, this office action has **NOT** been made final.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian M. Healy whose telephone number is (571) 272-2347. The examiner can normally be reached on Compressed. Schedule Tues-Thurs. 7AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frank Font can be reached on (571)272-2415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

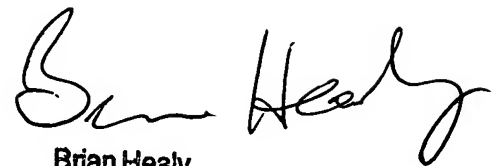
**Brian M. Healy**

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**Primary Examiner**  
**Art Unit 2883**

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**Brian Healy**  
**Primary Examiner**